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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,682	09/21/1999	KEHSING J. CHOU	A8009	2544

7590 05/23/2002

SUGHRUE MION ZINN MACKPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, TAM V

ART UNIT PAPER NUMBER

2172

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

5a

Office Action Summary

Application No.

09/399,682

Applicant(s)

VO ET AL.

Examiner

Tam V Nguyen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 04/02/02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/399,682 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection. The pending claims are 1-21.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-3, 6-10, 13-17, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Subramaniam et al. (US 5859972).

Re claims 1 and 15 Subramaniam discloses a method of searching for data in one or more heterogeneous data sources within a computer system, the method comprising the step of: receiving a request for data at a federated data source, (col. 3, lines 65-col. 4, lines 26 and col. 8, lines 15-43); and from the federated data source, retrieving data from: one or more terminal data repositories, (col. 4, lines 3-26), and one or more search gateway data sources, (col. 3, lines 65-col. 4, lines 26 and see fig. 1 & 14).

Re claims 2, 9, and 16, Subramaniam further discloses the method of claim 1, wherein each search gateway data source searches for data in one or more other data source, (col. 3, lines 65-col. 4, lines 51).

Re claims 3, 10, and 17, Subramaniam further discloses the method of claim 1, wherein the federated data source, each terminal data repository, and each search gateway data source is a data object, (col. 3, lines 65-col. 4, lines 51).

Re claims 6, 13, and 20, Subramaniam further discloses the method of claim 1, wherein retrieving data from one or more search gateway data sources comprises submitting a search gateway query from the federated data source to each search gateway data source, (col. 3, lines 65-col. 4, lines 51).

Re claims 7, 14, and 21, Subramaniam further discloses the method of claim 1, wherein each terminal data repository and each search gateway data source may be queried for data directly, (col. 3, lines 65-col. 4, lines 51).

Re claim 8, Subramaniam further discloses an apparatus for searching for data in one or more heterogeneous data sources comprising: a computer system accessing said one or more heterogeneous data source, (col. 4, lines 3-26); and one or more computer programs, performed by the computer system, for: receiving a request for data at a federated data source and, retrieving data from the federated data source one or more terminal data repositories and one or more search gateway data source, (col. 3, lines 65-col. 4, lines 26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 11-12, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramaniam et al. (US 5859972) in view of Sarkar (US 6012067).

Re claims 4, 11, and 18, Subramaniam fails to disclose wherein each data object is based on a class that inherits the properties of a base data source class.

Sarkar teaches wherein each data object is based on a class that inherits the properties of a base data source class, (col. 8, lines 5-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Subramaniam by including wherein each data object is based on a class that inherits the properties of a base data source class, as taught by Sarkar, so the advancement of internet and world wide web, a large number of different types of objects (text, file, audio, video, image as well as relational data) are being created everyday. One can look at internet as a huge database storing different types of data, (col. 1, lines 8-21)

Re claims 5, 12, and 19, Subramaniam fails to disclose wherein each data object is manipulated via methods of the class on which the data object is based.

Sarkar teaches disclose wherein each data object is manipulated via methods of the class on which the data object is based, (col. 8, lines 5-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Subramaniam by including wherein each data object is based on a class that inherits the properties of a base data source class, as taught by Sarkar, so the advancement of internet and world wide web, a large number of different types of objects (text, file, audio, video, image as well as relational data) are being created everyday. One can look at internet as a huge database storing different types of data, (col. 1, lines 8-21)

Contact Fax Information

Art Unit: 2172

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or Faxed to:

(703) 746-7239, (for formal communication intended for entry)

Or:

(703) 746-7240, (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Contact Information

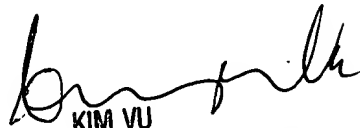
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is (703) 305-3735. The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu, can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

TV: tv

05/16/2002


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100